IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22132 of 2006

DATED: 16-3-2007

Between:

Smt V.Vidyavathi petitioner

And

The Govt of A.P.,
Rep by its Secretary,
AP. Residential Educational Institutions Society
(Regd), Gaganvihar, Hyderabad & 3 ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 22132 OF 2006

ORAL ORDER:

This writ petition is filed questioning the order dated 28.9.2006 transferring the petitioner and posting him as Special Officer at Kasturbha Gandhi Balika Vidyalaya, Narva, Mahabubnagar district and consequential proceedings dated 5.10.2006 relieving her from the A.P.R.School (Girls) Kalwakurthy, Mahaboobnagar district as illegal and arbitrary.

The petitioner is employed in the first respondent society as P.G.T Teacher (Telugu) and posted at A.P.R.School, Kalwakurthy, Mahaboobnagar district. She was allotted the additional charge of Assistant to the Principal (A.T.P), Deputy Warden and House Mistress. She alleges that certain differences arose between herself and the Principal/third respondent and the third respondent having developed grudge against her passed order dated 29-8-2006 surrendering the petitioner to the first respondent. The first respondent vide order dated 30-8-2006 struck down the said order and directed the third respondent to join the petitioner into duty at A.P.R.School, Kalwakurthy. Thereafter the third respondent issued transfer order dated 28-9-2006 transferring the petitioner to KGBV, Narva, Mahaboobnagar district and relieved her by order dated 5-10-2006. Hence, the present writ petition.

Learned counsel for petitioner submitted that the impugned order

of transfer is passed as a measure of punishment and is not an administrative transfer. It is also stated that Kasturba Gandhi Balika Vidyalayana (for short KGBV) , Narva, Mahaboobnagar to which place the petitioner was transferred is not under the control of first respondent and that the KGBVs were formed in terms of G.O.ms.No. 93 dated 5.7.2005. It is further submitted that in terms of proceedings in RC No.6392/A2-2/2005 dated 16-7-2005 willingness has to be called for posting the teachers to KGBVs and transferring the petitioner without obtaining her consent is illegal.

This Court by order dated 8.2.2007 in W.P.M.P. No. 28103 of 2006 granted interim suspension of the impugned order. The respondents filed a counter affidavit along with vacate petition in W.V.M.P.No. 425 of 2007 inter-alia stating that the guidelines are applicable for general transfers and not applicable to the transfers made on administrative grounds. It is also stated that the petitioner was transferred to KGBV at Narva which is under the control of first respondent and within the same district i.e., Mahaboobnagar district. It is also stated that continuance of the petitioner at Kalvakurthy will cause much disturbance to normal functions of the school.

Heard learned counsel for petitioner and learned standing counsel for respondent society and perused the material available on record.

The guidelines for starting of Kasturba Gandhi Balika Vidyalayas and for appointment of regular T.G. Teachers as Warden-cum-Teachers were issued vide proceedings RC No. 6392/A2-2/2005 dated 16-7-2005. Clause no. 2 of the said guidelines prescribes that common seniority among the willing candidates should be taken into consideration, which reads as under;

> "The common seniority among those expressed willingness will be taken into account, in case there are

more number of willing candidates. Seniority shall also be criteria, if no candidates are willing or there is shortfall."

Admittedly in the present neither the common seniority was taken into consideration nor any willingness was obtained while transferring the petitioner, as such the transfer of the petitioner is in violation of the guidelines prescribed vide proceedings dated 16.7.2005. At this stage of hearing, both counsel agreed for transferring the petitioner to a school under the control of first respondent society.

In view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to pass appropriate orders posting the petitioner to any one of the A.P.R.E.I society schools, within a period of ten days from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 16-3-2007
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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